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MASSACHUSETTS MUTUAL LIFE  
6 INSURANCE COMPANY

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UNITED STATES DISTRICT  
NORTHERN DISTRICT OF CALIFORNIA

11 STEPHEN REYNOLDS, DDS, } Case No. C04 3814 MMC  
12 Plaintiff, }  
13 vs. } STIPULATION AND [PROPOSED]  
14 MASSACHUSETTS MUTUAL LIFE ORDER RE CONTINUANCE OF  
INSURANCE COMPANY, NON-EXPERT DISCOVERY CUT-  
15 Defendant. } OFF DATE  
16 \_\_\_\_\_ }  
Judge: Hon. Maxine M. Chesney  
Complaint Filed: September 10, 2004

17 This Stipulation is made by and between plaintiff Stephen Reynolds, DDS  
18 ("plaintiff") and defendant Massachusetts Mutual Life Insurance Company  
19 ("MassMutual"), by and through their respective attorneys of record, and is based  
20 upon the following facts:

21       1. Pursuant to this Court's Pretrial Preparation Order of September 6,  
22 2005 ("Order"), plaintiff and MassMutual were ordered to complete all non-expert  
23 discovery by February 17, 2006;

24       2. The parties have engaged in settlement discussions by way of private  
25 mediation, which took place on December 15, 2005. Although no resolution was  
26 reached at that time, the parties believe that further settlement discussions will be in  
27 the best interest of all of the parties and should be pursued. Accordingly, the parties

1 have agreed to participate in a second mediation session, which has been scheduled  
2 for January 5, 2006;

3       3. The parties have been actively engaged in discovery. The parties have  
4 propounded and responded to written discovery. Plaintiff commenced, but did not  
5 complete the deposition of the Person Most Knowledgeable from MassMutual and  
6 took the deposition of one of its consultants. MassMutual has commenced, but did  
7 not complete, the deposition of plaintiff;

8       4. There remains to be completed numerous non-party depositions,  
9 including the depositions of plaintiff's treating physicians and other medical  
10 professionals. The parties wish to avoid incurring the expense of completing the  
11 remaining depositions while they are actively engaged in settlement discussions.  
12 The parties also wish to have sufficient time to complete the outstanding discovery  
13 in the event that this matter is not resolved on an informal basis;

14       5. For the foregoing reasons, the parties, through their undersigned  
15 counsel, have agreed to continue only the non-expert discovery cut-off by 30-days,  
16 i.e., until March 17, 2006;

17       6. The relief sought herein is not intended to cause delay and will not  
18 change any other pre-trial or trial dates set by this Court, including the dispositive  
19 motion filing deadline, which is May 5, 2006 and the trial date, which is July 18,  
20 2006.

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22           **NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED,**  
23 subject to the approval of the Court, that the non-expert discovery cut-off date,  
24 which is currently February 17, 2006, will be extended to March 17, 2006.

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26           **IT IS SO STIPULATED.**  
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1  
2 DATED: December , 2005.

MESERVE, MUMPER & HUGHES LLP  
WILLIAM E. VON BEHREN  
CAROL BURNEY LEWIS

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4 By: \_\_\_\_\_  
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CAROL BURNEY LEWIS  
Attorneys for Defendant  
MASSACHUSETTS MUTUAL LIFE  
INSURANCE COMPANY

8 DATED: December 27, 2005.

SHERNOFF BIDART & DARRAS, LLP

9 By: \_\_\_\_\_  
10  
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FRANK N. DARRAS  
MICHAEL B. HORROW  
Attorneys for Plaintiff  
STEPHEN REYNOLDS, DDS

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15 **ORDER**

16 IT IS HEREBY ORDERED that, based on the foregoing Stipulation and for  
17 good cause shown, the non-expert discovery cut-off is hereby extended to March 17,  
18 2006.

19 **IT IS SO ORDERED.**

20  
21 DATED: \_\_\_\_\_

22 HON. MAXINE M. CHESNEY  
23 Judge, United States District Court  
24  
25  
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1  
2 DATED: January 3, 2005.

MESERVE, MUMPER & HUGHES LLP  
WILLIAM E. VON BEHREN  
CAROL BURNEY LEWIS

3  
4 By: Carol B. Lewis  
5 CAROL BURNEY LEWIS  
6 Attorneys for Defendant  
7 MASSACHUSETTS MUTUAL LIFE  
INSURANCE COMPANY

8 DATED: December\_\_\_\_, 2005.

SHERNOFF BIDART & DARRAS, LLP

9 By: \_\_\_\_\_  
10 FRANK N. DARRAS  
11 MICHAEL B. HORROW  
12 Attorneys for Plaintiff  
13 STEPHEN REYNOLDS, DDS

14  
15 **ORDER**

16 IT IS HEREBY ORDERED that, based on the foregoing Stipulation and for  
17 good cause shown, the non-expert discovery cut-off is hereby extended to March 17,  
18 2006.

19 **IT IS SO ORDERED.**

20  
21 DATED: January 4, 2006

Maxine M. Chesney  
22 HON. MAXINE M. CHESNEY  
23 Judge, United States District Court